

116TH CONGRESS
1ST SESSION

H. R. 2785

To amend the Telecommunications Act of 1996 to preserve and protect the ability of State and local governments and public-private partnerships to provide broadband services.

IN THE HOUSE OF REPRESENTATIVES

MAY 16, 2019

Ms. ESHOO (for herself, Mr. KHANNA, Mr. THOMPSON of California, and Ms. PINGREE) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Telecommunications Act of 1996 to preserve and protect the ability of State and local governments and public-private partnerships to provide broadband services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Broadband
5 Act of 2019”.

1 **SEC. 2. STATE, LOCAL, AND PUBLIC-PRIVATE PARTNERSHIP**
2 **BROADBAND SERVICES.**

3 Section 706 of the Telecommunications Act of 1996
4 (47 U.S.C. 1302) is amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e) and inserting after subsection (c) the fol-
7 lowing:

8 “(d) STATE, LOCAL, AND PUBLIC-PRIVATE PART-
9 NERSHIP ADVANCED TELECOMMUNICATIONS CAPABILITY
10 AND SERVICES.—

11 “(1) IN GENERAL.—No State statute, regula-
12 tion, or other State legal requirement may prohibit
13 or have the effect of prohibiting any public provider
14 or public-private partnership provider from pro-
15 viding, to any person or any public or private entity,
16 advanced telecommunications capability or any serv-
17 ice that utilizes the advanced telecommunications ca-
18 pability provided by such provider.

19 “(2) ANTIDISCRIMINATION SAFEGUARDS.—

20 “(A) PUBLIC PROVIDERS.—To the extent
21 any public provider regulates competing private
22 providers of advanced telecommunications capa-
23 bility or services that utilize advanced tele-
24 communications capability, such public provider
25 shall apply its ordinances and rules without dis-
26 crimination in favor of itself or any provider

1 that it owns of services that utilize advanced
2 telecommunications capability.

3 “(B) PUBLIC-PRIVATE PARTNERSHIP PRO-
4 VIDERS.—To the extent any State or local enti-
5 ty that is part of a public-private partnership
6 provider regulates competing private providers
7 of advanced telecommunications capability or
8 services that utilize advanced telecommuni-
9 cations capability, such State or local entity
10 shall apply its ordinances and rules without dis-
11 crimination in favor of such public-private part-
12 nership provider or any provider that such
13 State or local entity or public-private partner-
14 ship provider owns of services that utilize ad-
15 vanced telecommunications capability.

16 “(3) SAVINGS CLAUSE.—Nothing in this sub-
17 section shall exempt a public provider or public-pri-
18 vate partnership provider from any Federal or State
19 telecommunications law or regulation that applies to
20 all providers of advanced telecommunications capa-
21 bility or services that utilize such advanced tele-
22 communications capability.”; and

23 (2) in subsection (e), as redesignated—

1 (A) in the matter preceding paragraph (1),
2 by striking “this subsection” and inserting
3 “this section”; and

4 (B) by adding at the end the following:

5 “(3) PUBLIC PROVIDER.—The term ‘public pro-
6 vider’ means a State or local entity that provides ad-
7 vanced telecommunications capability, or any service
8 that utilizes such advanced telecommunications ca-
9 pability, to any person or public or private entity.

10 “(4) PUBLIC-PRIVATE PARTNERSHIP PRO-
11 VIDER.—The term ‘public-private partnership pro-
12 vider’ means a public-private partnership, between a
13 State or local entity and a private entity, that pro-
14 vides advanced telecommunications capability, or any
15 service that utilizes such advanced telecommuni-
16 cations capability, to any person or public or private
17 entity.

18 “(5) STATE OR LOCAL ENTITY.—The term
19 ‘State or local entity’ means a State or political sub-
20 division thereof, any agency, authority, or instru-
21 mentality of a State or political subdivision thereof,
22 or an Indian tribe (as defined in section 4(e) of the
23 Indian Self-Determination and Education Assistance
24 Act (25 U.S.C. 5304(e))).”.

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